IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1303 OF 2007

Mr.Vijay Vikram Dande
and Anr. ..Petitioners

Vs.

Mr.Mukhtar Mahamud Shaikh
and Ors. ..Respondents

...

Mr.Amit Desai i/b M/s.Little and Co. for Petitioners
Mr.Adik Shirodkar, Senior Counsel with
Mr.S.P.Kadam Advocate for Respondent No.1
Mr.M.S.Mhambre APP for Respondent No.2-State

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CORAM: R.M.S.KHANDEPARKAR, AND
SMT.V.K.TAHILRAMANI, JJ.
DATE : AUGUST 09, 2007

P.C.:

1. Heard. The learned counsel appearing for the Petitioners on taking instructions, states that the Petitioner No.1 may be permitted to appear before the Investigating Officer within two weeks and on such request being accepted, the impugned warrants be quashed, whereupon the Petitioners would crave leave to withdraw the petition.

2. Upon hearing the learned APP and with his consent which has been expressed after taking necessary instruction from the Investigating Officer who is present in Court, we hereby accept the statement made on behalf of the Petitioners that Petitioner No.1 would appear before the Investigating Officer within two weeks and on acceptance of the said statement, non-bailable warrants issued against the Petitioners are hereby quashed. It is clarified that the quashing of warrants is restricted only to the Petitioners herein and is subject to the condition that the Petitioner No.1 shall appear before the Investigating Officer within two weeks from today. In case of failure on the part of the Petitioner No.1 to appear before the Investigating Officer within a period of two weeks, the order quashing warrants shall automatically get revoked and warrants shall get revived. It is further made clear that quashing of warrants will not affect the warrants issued against other persons in the matter. It is further made clear that in case the Investigating Agency requires the Petitioners or either of them to be arrested in the matter, they shall give 72 hours advance notice in writing to

the Petitioners or the Petitioner as the case may be.

3. In view of the above facts, the learned counsel for the Petitioners craves leave to withdraw this petition in relation to other reliefs. The petition, is accordingly allowed to be withdrawn and stands disposed of accordingly. We make it clear that we have not expressed any opinion on the issues sought to be raised in this petition.

[R.M.S.KHANDEPARKAR, J.]

[SMT.V.K.TAHILRAMANI,J.]